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EXAMINER

NGUYEN, N

ART UNIT

PAPER NUMBER

2764

DATE MAILED:

02/22/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/865,403

Applicant(s)

Asano

Examiner

Nga B. Nguyen

Group Art Unit

2764

☒ Responsive to communication(s) filed on May 29, 1997.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-16 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1, 7-9 and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Reeder, U.S. Patent No. 5,852,812.

As per claim 1, Reeder discloses a charging system for electronic commerce, which comprises a service provider terminal providing service for a user via network by a request from a user terminal, the system charging a fee on the user corresponding to said service (see abstract), comprising:

a charge collection terminal for collection a fee from said user, which fee is reflected on said service provided by said service provider terminal (figure 1, item 20 and column 5, lines 25-32),

the charge collection terminal existing individually from said service provider terminal (figure 1, item 20).

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As per claim 7, Reeder discloses charging system for electronic commerce , wherein:  
said service provider terminal charges a fee to said user based on time period providing  
said service to the user (column 1, lines 20-37).

As per claim 8, Reeder discloses charging system for electronic commerce , wherein:  
said service provider terminal charges a fee to said user base on contents provided to the  
user (column 1, lines 28-34).

As per claim 9, Reeder discloses a method of charging for electronic commerce, service  
provider terminal providing service for a user via network by a request from a user terminal, and  
charging a fee on the user corresponding to said service, comprising steps of that:

collection a charged fee from said user by a charge collection terminal, which fee is  
reflected on said service provided by said service provider terminal (column 6, line 65-column 7,  
line 5), wherein:

the charge collection terminal is provided individually from said service provider terminal  
(figure 1, item 20 and column 5, lines 25-32).

Claim 15 contains the same limitations as in claim 7, therefore the same rejection is  
applied.

Claim 16 contains the same limitations as in claim 8, therefore the same rejection is  
applied.

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*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder, U.S. Patent No. 5,852,812 in view of Walsh, U.S. Patent No. 5,696,824.

As per claim 2, Reeder discloses charging system for electronic commerce , wherein:

said user terminal generates service request data and transmits them via network to said service provider terminal, the service request data is for requesting desired service of the user to said service provider terminal (figure 4, item 121 and column 6, lines 19-32); and

said service provider terminal transmits charged fee data calculated base on said service request data to said charge collection terminal, and transmits said service request data to said charge collection terminal responding to request of said user (column 6, line 65-column 7, line 5).

However, Reeder does not disclose:

said user terminal generates digital signature data and transmits it via network to service provider terminal; and the digital signature data is created based on said service request data.

said service provider terminal transmits digital signature data to said charge collection terminal.

Walsh discloses:

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said user terminal generates digital signature data and transmits it via network to service provider terminal (column 10, lines 40-60); and the digital signature data is created based on said service request data (column 10, lines 50-60) .

said service provider terminal transmits digital signature data to said charge collection terminal (column 10, line 60-column 11, line 8).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine Reeder's charging system with digital signature as in Walsh because it would improve the system of Reeder. Information such as account numbers, password, credit card numbers are often easy for unauthorized persons to obtain. Therefore, the user can encrypt identifying information into digital signature data for more security when transmitting information over the network.

As per claim 3, Walsh discloses said digital signature data is created only by said user (column 10, lines 45-50).

Claim 10 has the same limitations as in claim 2, therefore the same rejection is applied.

Claim 11 has the same limitations as in claim 3, therefore the same rejection is applied.

5. Claims 4-5 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder, U.S. Patent No. 5,852,812 in view of Walsh, U.S. Patent No. 5,696,824 and Takaragi et al, U.S. Patent No. 5,018,196.

As per claim 4, Reeder discloses charging system for electronic commerce, wherein:

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said user terminal generates service request data and transmits them via network to said service provider terminal, the service request data is for requesting desired service of the user to said service provider terminal (figure 4, item 121 and column 6, lines 19-32);

said user terminal comprised memory medium which stores said service request data (figure 1, item 10);

However, Reeder does not disclose:

said user terminal generates digital signature data and transmits them via network to said service provider terminal; and the digital signature data is created based on said service request data;

when the user has objection against the charge, in case of happening charged fee collection notice from said charge collection terminal, the user enables to send said memory medium to said charge collection terminal, and the charge collection terminal enables to read out said service request data and said digital signature data from said memory medium to confirm.

Walsh discloses:

said user terminal generates digital signature data and transmits them via network to said service provider terminal (column 10, lines 40-60); and the digital signature data is created based on said service request data (column 10, lines 50-60);

Takaragi et al disclose:

when the user has objection against the charge, in case of happening charged fee collection notice from said charge collection terminal, the user enables to send said memory medium to said

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charge collection terminal, and the charge collection terminal enables to read out said service request data and said digital signature data from said memory medium to confirm (column 11, lines 52-63).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the charging system of Reeder with digital signature as in Walsh and the step of sending memory medium as in Takaragi et al because it would improve the system of Reeder by allowing the user to create digital signature data and transmit it to service provider over the network for more security. Moreover, when service provider charges a user a more amount than an amount to be charged properly, user can submit request data and digital signature data stored in memory medium to the bank for correcting it.

As per claim 5, Walsh discloses charging system for electronic commerce , wherein:  
said digital signature data is created only by said user (column 10, lines 45-50).

Claim 12 has the same limitation as in claim 4, therefore the same rejection is applied.

Claim 13 has the same limitation as in claim 5, therefore the same rejection is applied.

6. Claim 6 and 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder, U.S. Patent No. 5,852,812 , Walsh, U.S. Patent No. 5,696,824 and Takaragi et al, U.S. Patent No.5,018,196 and further in view of Mizutani et al, U.S. Paten No. 4,823,388.

As per claim 6, Reeder, Walsh and Takaragi et al do not disclose charging system for electronic commerce, wherein:

said service request data stored once in said memory medium is impossible to rewrite.

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Mizutani et al discloses:

said service request data stored once in said memory medium is impossible to rewrite (column 2, lines 30-43).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the charging system of Reeder, Walsh and Takaragi et al with memory medium as in Mizutani et al because it would improve their system. The user can store service request data once in memory medium and make it cannot be rewritten in order to ensure the security.

Claim 14 has the same limitation as in claim 6, therefore the same rejection is applied.

### ***Conclusion***

4. Claims **1-16** are rejected.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Friday from 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached on (703)305-9768.

6. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks

c/o Technology Center 2700

Washington, D.C. 20231

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**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

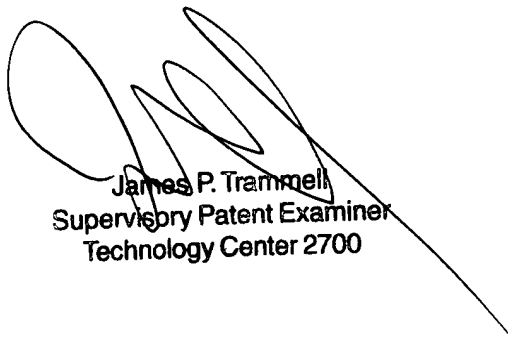
**or:**

(703) 308-5397 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington.  
VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703)305-3900.

Nga B. Nguyen  
February 2, 1999



James P. Trammell  
Supervisory Patent Examiner  
Technology Center 2700